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COMMENTS OF THE NATIONAL LEAGUE OF CITIES.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

In the Matter of)	
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The Development of Operational,)	WT Docket No. 96-86
Technical, and Spectrum)	
Requirements for Meeting)	
Federal, State and Local Public)	
Safety Agency Communication)	
Requirements Through the)	
Year 2010)	

COMMENTS OF THE NATIONAL LEAGUE OF CITIES.

The nation's cities hereby submit their comments in response to the Commission's Notice of Proposed Rulemaking, WT Docket No. 96-86 (released April 10, 1996) ("NPRM"). In the NPRM, the Commission seeks to address the present deficiencies in public safety wireless communications as well as its expanding spectrum needs. These deficiencies include lack of interoperability and scarce available spectrum. The NPRM proposes measures designed not only to address these deficiencies, but also to accommodate the future communication needs of public safety agencies. The goal of this proceeding is to develop the data necessary to evaluate the spectrum needs of public safety agencies, to solicit comment on how best to meet these needs, and to facilitate a transition to a communications environment in which public safety agencies have access to higher quality transmission, emerging technologies, and broader services, including the ability to communicate readily with each other. The NPRM furthers the Commission's efforts to implement Section 6002 of the Omnibus Budget Reconciliation Act of 1993, which requires the Commission to study public safety spectrum needs and to develop a plan that ensures that adequate frequencies are available for public safety uses through the year 2010.

The National League of Cities urges that the Commission abstain from further spectrum allocation and specifically request that neither Congress nor the President take further action on spectrum allocation until current and future public safety needs are fully considered and protected by the Commission. Because of the limited nature of spectrum,

Congress called for "a study of the current and future needs of state and local governments public safety agencies through the year 2010, and a specific plan to ensure that adequate frequencies are made available to public safety licensees." On September 16, the Public Safety Wireless Advisory Committee ("PSWAC"), a committee established by Congress in 1993 and charged to design a plan for public safety communication needs through the year 2010, submitted its final report on public safety spectrum needs with its plan recommendations. This report represents the work of hundreds of federal, state and local public safety experts. The FCC must fully consider this report and its recommendations before further allocating any spectrum and develop the data necessary to access the spectrum needs of public safety agencies.

While the concept of spectrum is not an everyday term with which many Americans are familiar, and while its value to the telecommunications industry has made proposed auctions of spectrum very attractive to the federal government for fiscal reasons, we believe it is imperative that the Commission elevate the issue of public safety and use this docket to ensure that all Americans understand the importance of spectrum to public safety emergency response.

Given our concern about the relative lack of understanding and appreciation of the role in spectrum in protecting and responding to public safety incidents and disasters, we provide the following comments:

I. Current Spectrum Allocations to Cities are Insufficient to Meet The Communications Needs of Cities.

Spectrum is a resource critical to the ability of police, fire, emergency rescue and disaster agencies to communicate in the event of a natural disaster, a crime, a fire or bombing, or any other serious incident jeopardizing lives and property. Unfortunately, spectrum is a finite resource that cannot be increased. It can only be reallocated. It is critical to recognize that many cities are currently unable to meet their spectrum needs. As noted in the PSWAC Final Report, the radio frequencies allocated for public safety use have become highly congested in many areas.

In an FCC petition for rulemaking, the National Communications System ("NCS"), through the Secretary of Defense, stated that cellular use by the general public in emergency situations leads to congestion in the cellular network causing usage by emergency personnel to be severely curtailed or made impossible. The NCS cites the bombing of a Federal office building in Oklahoma City, Oklahoma, as a recent example. Without "priority access" to cellular spectrum, the NCS argues, rescue workers are impaired by recurring surges in cellular usage associated with emergency situations.

In the wake of the tragic bombing in Oklahoma City, elected leaders have cited the need for new investment in spectrum and interoperability as the highest public safety priorities of the municipality. We are apprehensive that there will be further efforts at domestic terrorism; therefore, we strongly urge the Commission to take immediate action on the PSWAC recommendations and an aggressive training program, perhaps jointly with the Federal Agency for Emergency Management

Spectrum is needed to relieve current congestion in and near metropolitan areas, and to allow the allow law enforcement and other public safety agencies to take advantage of important new communications technology that would greatly enhance the ability of cities to protect the safety of life and property.

B. Cities Need More Spectrum to Implement Interoperability.

Most safety experts, including the Department of Defense, believe that additional spectrum is necessary to implement interoperability between public safety agencies. Presently, few public safety agencies have the capacity to communicate with other public safety officials even within the same city because there is insufficient spectrum public safety spectrum currently allocated to implement any comprehensive regional, statewide, or national plan. In its final report, PSWAC concurs with this assessment:

Interoperability between Public Safety users in the past has been hampered by a interdependent set of factors that includes widely dispersed and fragmented spectrum allocations that cannot be covered by multiband radios, nonstandard frequency spacings and system access methods, and the lack of clear, nationwide channels allocated solely for interoperability (P.19)

Additional federal spectrum auctions would severely limit public safety agencies' ability to obtain spectrum for interoperability.

II. Auctions are Incompatible With Municipal Public Safety Needs

There is a very deep concern among the leadership of public safety organizations that the use of auctions to assign, and perhaps eventually to allocate, spectrum will tend to crowd out public safety needs. Cities need to control their own communications systems to ensure that police officers, fire fighters, emergency medical services teams and other public safety workers will have instant access to reliable communications systems anywhere in their jurisdiction. No commercial provider will offer the level of reliability, priority access, security and coverage that public safety agencies demand. Officers in

major cities, for example, need to know that their portable radios will work in alleys, behind tall buildings, under bridges, and other areas that a commercial provider has little incentive to cover. The auction process favors the commercial provider who will, of course, have greater bidding resources than most local public safety organizations. The use of auctions limits the access of public safety agencies to spectrum at a time when the current spectrum allocation is insufficient to meet today's municipal emergency rescue, and other public safety needs.

III. New Measures Are Needed to Alleviate Spectrum Shortfalls and Promote Interoperability.

The PSWAC's Final Report concludes that, unless immediate action are taken to alleviate spectrum shortfalls and promote interoperability, public safety agencies will not be able to adequately protect life and property in a safe, efficient, and cost effective manner. NLC and its Board agree wholeheartedly with this conclusion and support many of the measures that the committee recommends. The present congestion in certain metropolitan areas can only be improved by the allocation of more spectrum for public safety use.

The FCC should adopt the following PSWAC's recommendations:

- Immediately, 2.5 MHz of spectrum should be identified for interoperability from new and existing allocations.
- In the short term, 25 MHz of new public safety allocation must be reserved prior to any further commercial auctions. The present shortage should be addressed by making spectrum presently used for television broadcast channels 60-69 available as soon as possible for public safety purposes.
- To ensure that future public safety needs are met, a continuing consultative process should be established to permit the public safety community and the FCC and the NTIA to adjust to rapid changes in public safety needs.
- To improve interoperability, the FCC should establish bands of frequencies for interoperability purposes, encourage the development and use of shared systems, and the building of gateways between technologically incompatible systems.

IV. Conclusion

The current spectrum allocation is insufficient to meet today's municipal

emergency response, police, fire, emergency rescue, and other public safety needs. This shortfall endangers the life and property of every citizen in the United States. But public safety has traditionally not received sufficient spectrum during the allocation process. This needs to change. The federal government, including the FCC, need to make a commitment to ensuring that municipal public safety needs are met by:

- implementing the recommendations of the PSWAC, particularly its recommendations to allocate more spectrum for public safety needs, before any consideration of any further proposals to auction off spectrum;
- evaluating whether auctions, as currently administered, are the best way to allocate spectrum considering the finite nature of spectrum and the fact that cities and towns do not have adequate financial resources to compete in auctions;
- allowing state and local governments, large users of spectrum, to have a role in future spectrum allocation decisions.

Respectfully submitted,



Frank Shafroth

Kimyetta Robinson

National League of Cities
1301 Pennsylvania Avenue, N.W.
Washington, DC 20004
(202) 338-2635